

Remarks

Claims 173 and 176 have been amended. Claims 21-25, 32-41, 43-46, 48-53, 59-68, 70-73, 75-80, 86-95, 97-100, 102-106, 113-122, 124-127, 129-134, 140-149, 151-154, 156-161, 167-176, 178-181 will be pending upon entry of these amendments.

Claim Amendments

Applicants wish to amend the dependencies of claims 173 and 176, which depend on claim 155 due to an inadvertent clerical error.

- The preamble of claim 173 reads, “A recombinant host cell comprising the nucleic acid molecule of claim 155, wherein the nucleic acid...”.
- The preamble of claim 176 reads, “A method for producing the polypeptide encoded by the nucleic acid molecule of claim 155, comprising...”.
- Claim 155, which is currently canceled, reads as follows:

155. (Canceled) A method of detecting the nucleic acid molecule of claim 129, comprising:

- (a) obtaining a biological sample suspected of containing the polynucleotide; and
- (b) determining the presence of absence of the polynucleotide in said biological sample.

Claim 155 is a method claim not a composition type claim, and thus Applicants submit that claims 173 and 176 should be dependent on independent claim 156, the preamble of which reads, “An isolated nucleic acid molecule comprising a first polynucleotide 95% or more identical to a second polynucleotide selected from the group consisting of...”.

This amendment is supported by the overall claim structure, which follows the pattern of an independent claim directed to an isolated nucleic acid molecule (e.g., claims 21, 48, 75, 102, 129 and 156), followed by 18-19 dependent claims directed to embodiments including recombinant host cells (e.g. claims 38, 65, 92, 119, 146, and 173), and methods for producing polypeptides (e.g. claims 41, 68, 95, 122, 149, and 176). Accordingly, Applicants submit that the proposed amendment merely corrects obvious errors in the claims, and request that claims 173 and 176 be amended to depend on claim 156.

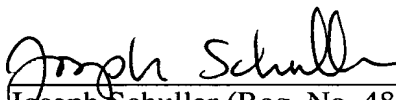
Conclusion

Applicants respectfully request entry of the above amendments under 37 C.F.R. § 1.312. Applicants submit that the proposed amendments to the claims do not add new matter, raise new issues, or require any additional search of the art. Therefore, these amendments should allow for immediate action. The amendments merely correct obvious errors in the dependency of claims 173 and 176 without changing the scope of the claims. Accordingly, reconsideration of this application and entry of the above amendments are respectfully requested.

No fee is believed to be due in connection with the filing of this paper. If there are any fees due in connection with the filing of this paper, please charge the fees to Deposit Account No. 08-3425.

Respectfully submitted,

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